## PR 10-253



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STATE OF MONTANA

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## IN THE SUPREME COURT OF THE STATE OF MONTANA

No.

* * *	* * * * * * *
IN THE MATTER OF MARY ANN	) ODC File No. 10-111
SUTTON,	) PETITION FOR
An Attorney at Law,	) <b>DETERMINATION</b>
D 1 4	) REGARDING LAWYER
Respondent.	) CONVICTED OF A ) CRIMINAL OFFENSE
•	)
	)

Pursuant to Rule 23B of the Rules for Lawyer Disciplinary Enforcement (2002), the Office of Disciplinary Counsel for the State of Montana ("ODC"), hereby petitions the Court as follows:

1. Mary Ann Sutton, hereinafter referred to as Respondent, was admitted to the practice of law in the State of Montana in 1985. Respondent is currently employed by the State of Montana as legal counsel for Montana Public Employees Retirement Administration.

Petition for Determination Regarding Lawyer Convicted of a Criminal Offense - Page 1

- 2. On or about May 10, 2010, the Clerk of District Court for the Montana Fourth Judicial District Court, Missoula County, provided ODC with a certified copy of the Court's March 9, 2010 Judgment in *State v. Sutton*, Cause No. DC-2008-254. The certified copy of the Judgment is attached hereto as Exhibit A.
- 3. Respondent was charged by Information on May 30, 2008 with Felony Issuing Bad Checks—Common Scheme, in violation of §45-6-316(3), MCA. The Information alleged that on or about October 4 through October 15, 2007, Sutton issued three checks totaling \$8,000 to the Montana 1<sup>st</sup> Credit Union, knowing they would not be paid by the depository, the USAA Savings Bank.
- 4. Respondent pled *nolo contendere* to the charge on September 11, 2008. On December 15, 2008, the District Court adjudged and decreed Respondent guilty of the offense charged and imposed a six-year deferred sentence, subject to certain terms and conditions of probation.
- 5. Missoula Deputy County Attorney Betty Wing filed a Petition to Revoke on July 2, 2009. The Petition alleged that Respondent violated the terms and conditions of probation. By its Judgment of March 9, 2010, the District Court revoked Respondent's prior sentence and imposed a new six-year deferred sentence, subject to certain additional terms and conditions of probation.

WHEREFORE, the Office of Disciplinary Counsel prays as follows:

- 1. That, pursuant to Rule 23 of the Rules for Lawyer Disciplinary
  Enforcement (2002), the Court determine whether the criminal
  offense of which Respondent has been convicted affect the
  Respondent's ability to practice law;
- 2. If the Court determines that the convictions affect the Respondent's ability to practice law, that the Court, pursuant to Rule 23B, issue an order immediately suspending the lawyer from the practice of law pending final disposition of a disciplinary proceeding predicated upon the conviction and direct Disciplinary Counsel to prepare and file a formal complaint against the Respondent predicated upon the convictions, and,
- 3. For such other and further relief deemed necessary and proper.

  RESPECTFULLY SUBMITTED this 264 day of May, 2010.

Shaun R. Thompson
Disciplinary Counsel